

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

WILLIAM S. YANCEY, Individually and)	
on behalf of others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	Cause No. 1:12-cv-00477
)	
REMINGTON ARMS COMPANY, INC.,)	
CASCADE CARTRIDGE, INC. a/k/a)	
CCI AMMUNITION)	
)	
Defendants.)	

REMINGTON’S RESPONSE TO PLAINTIFF’S MOTION FOR CONSOLIDATION

NOW COMES Defendant, Remington Arms Company LLC (“Remington”), by and through undersigned counsel, and hereby submits this response to Plaintiff’s Motion for Consolidation [Dkt. # 96, hereinafter “Pl. Mot.”].

Remington has agreed to consolidation of the three putative class action cases pending in this District Court: (1) *Maxwell v. Remington Arms Company, Inc.*, No.1:10-cv-00918; (2) *Yancey v. Remington Arms Company, Inc., et. al.*, No.1:12-cv-00477; and (3) *Henderson v. Remington Arms Company, Inc., et. al.*, No.1:12-cv-00437. Remington confirmed its agreement to consolidation in writing on June 1, 2012. (See June 1, 2012 e-mail from counsel for Remington to Plaintiff’s counsel attached hereto as Exhibit A). Remington affirmed its agreement to consolidation of the cases in a telephone conference between its counsel and plaintiff’s counsel on June 6, 2012.

Plaintiff’s representation that Remington “rescinded” its agreement to consolidate the cases is false. (See Pl. Mot. at ¶4). Plaintiff’s representation in his brief that Remington “advised” Plaintiffs that it “would not agree to any consolidation” is also false. (See Dkt. # 97 at

p. 5, hereinafter "Pl. Brief"). Remington made its position on consolidation clear. Remington has no explanation for Plaintiffs' mistaken representation that Remington opposed consolidation of the three cases.

Respectfully submitted this 27th day of July, 2012.

/s/ Frederick W. Rom

Frederick W. Rom (North Carolina Bar No. 26675)
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601
Telephone: (919) 755-8153
Facsimile: (919) 484-2073
from@wcsr.com

and

/s/ James B. Vogts

James B. Vogts (Bar No. 6188442)
Andrew A. Lothson (Bar No. 6297061)
Swanson, Martin & Bell LLP
330 N. Wabash Ave., Suite 3300
Chicago, Illinois 60611
Telephone: (312) 222-8517
Facsimile: (312) 321-0990
jvogts@smbtrials.com
alothson@smbtrials.com

Attorneys for Defendant Remington Arms Company, LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2012, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiff:

GARY K. SHIPMAN
SHIPMAN & WRIGHT, LLP

575 MILITARY CUTOFF RD., STE. 106
WILMINGTON, NC 28405

WILLIAM GRAINGER WRIGHT, SR.
SHIPMAN & WRIGHT, LLP
575 MILITARY CUTOFF RD., STE. 106
WILMINGTON, NC 28405

CHRISTOPHER M. ELLIS
BOLEN ROBINSON & ELLIS LLP
202 S. FRANKLIN ST., 2ND FLOOR
DECATUR, IL 62523

ERIC D. HOLLAND
HOLLAND GROVES SCHNELLER & STOLZE LLC
300 N. TUCKER ST., STE. 801
ST. LOUIS, MO 63101

JON D. ROBINSON
BOLEN ROBINSON & ELLIS LLP
202 S. FRANKLIN ST., 2ND FLOOR
DECATUR, IL 62523

RANDALL S. CROMPTON
HOLLAND GROVES SCHNELLER & STOLZE LLC
300 N. TUCKER ST., STE. 801
ST. LOUIS, MO 63101

Attorneys for Ammunition Accessories, Inc. (a.k.a. CCI Ammunition):

CHRISTOPHER R. KIGER
SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN
POB 2611
RALEIGH, NC 27602-2611

CLIFTON LENNIS BRINSON
SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN, L.L.P.
POB 2611
RALEIGH, NC 27602-2611

GEORGE W. SOULE
BOWMAN AND BROOKE, LLP
150 S. FIFTH ST., STE. 3000
MINNEAPOLIS, MN 55402

KIRK GIBSON WARNER

SMITH ANDERSON BLOUNT DORSETT MITCHELL & JERNIGAN
POB 2611
RALEIGH, NC 27602-2611

JENNIFER K. HUELSKOETTER

BOWMAN AND BROOKE, LLP
150 S. FIFTH ST., STE. 3000
MINNEAPOLIS, MN 55402

MELISSA R. STULL

BOWMAN AND BROOKE, LLP
150 S. FIFTH ST., STE. 3000
MINNEAPOLIS, MN 55402

/s/ James B. Vogts

James B. Vogts (Bar No. 6188442)
Andrew A. Lothson (Bar No. 6297061)
Swanson, Martin & Bell LLP
330 N. Wabash Ave., Suite 3300
Chicago, Illinois 60611
Telephone: (312) 222-8517
Facsimile: (312) 321-0990
jvogts@smbtrials.com
alothson@smbtrials.com

Attorneys for Defendant Remington Arms Company, LLC